

Filing Instructions

If you want to file an electronic copy (recommended) you may do so at <http://www.fcc.gov/cgb/ecfs/>.

At this webpage, follow these directions:

1. Click on "Submit a Filing."
2. The docket number is GN 10-25. Then fill out *all* relevant information
3. Upload your filing. Please note that you should convert the document to a PDF format before uploading.
4. Click on "Continue"
5. Verify all information and that document uploaded properly.
6. Click on "Confirm"
7. Please note that at this point you may be brought back to the document upload screen. If you are, please click "Continue" again and on the next screen click on "Confirm" again.
8. At this point, you should receive a Confirmation Number. Print this for your records.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
The Future of Media and Information
Needs of Communities in a Digital Age

GN Docket No. 10-25]

Comments of Quote...Unquote Media Center

415 Tijeras N.W.

Albuquerque, New Mexico 87102

I. Introduction

Quote...Unquote files these comments in support of the Comments of the Alliance for Community Media and the National Association of Telecommunications Officers and Advisors and to congratulate the Federal Communications Commission (“Commission”) for recognizing that Public, Educational and Governmental (“PEG” or “public access”) channels must be part of any discussion on the future of media and information needs of communities in a digital age. Quote...Unquote initiated public access in Albuquerque in 1981. It has expanded over the years to operate 2 channels (public access and local origination) for the City of Albuquerque. It has won 3 national awards as an outstanding media center. Quote...Unquote has more than 800 active programmers and producers currently that produce more than 200 hours of programming a week. It has been a pillar for the expression of 1st amendment rights and opportunities for the underserved in our community. PEG channels fill unique community needs as explained in the paragraph above. Unless the Commission actively encourages

development of public access, there is no guarantee that public access will remain in our future. In these comments we will answer the specific questions posed in Question 27 of the Public Notice regarding PEG. These comments contain two sections. First, we will share a common message that we, as members of the Alliance for Community Media, feel is imperative to call to the Commission's attention. Next, we will offer insights specific to our community to support our answers to Question 27.

II. Summary of Challenges

PEG is currently facing significant challenges that include but are not limited to:

- Operators abusing state franchise legislation to limit or sunset traditional sources of PEG support, resulting in PEG centers closing across the nation;
- Operators employing state franchise laws to limit or sunset the availability of PEG channels, resulting in community voices being silenced;
- Operators refusing to treat PEG channels in the same way they treat local broadcast channels, resulting in the loss of audience and shared community communications.

Among the practices that have made it more difficult for consumers to find and view PEG channels are: operators that move channels to less desirable channel locations, operators that require consumers to obtain additional equipment to view PEG channels, or operators that aggregate PEG channels on a technically deficient video stream, which lacks the functionality of commercial channels; and

- The Commission's delay in addressing a number of PEG community petitions for declaratory rulings to restrict the above complained of industry practices.

The Commission must understand that its inaction as much as the abusive actions of others is jeopardizing the future of community programming. The Commission was once the champion of community programming, and we hope that this docket signals the Commission's return to that role.

III. Responses to Specific PEG Questions Posed by the Commission:

Quote...Unquote, Inc. offers the following answers to the specific questions outlined in the FCC's Public Notice.

A. PEG channels are being used to effectively provide useful news and information to our community, but are threatened by industry practices and naïve state franchising legislation.

PEG channels are being used effectively in our community. Quote...Unquote takes the position that access channels need to expand their role in the community to include more educational and economic development services. To this end Quote...Unquote founded the first state wide public charter school in New Mexico (Media Arts Collaborative Charter School) and has been heavily involved with the growth of the state's film industry as a training and production resource. Our training and curriculum has turned out more than 8000 videographers, and lately professional film crew members, since 1981. Quote...Unquote represents the extraordinary cultural and ethnic diversity of New Mexico.

Examples of our programming range from weekly local news programs to coverage of high school sports state wide. Our latest channel, Encantada TV, is developing as a showcase for

the film and media industries in New Mexico. Because our PEG channels are programmed by the local community. Quote...Unquote, Inc. would answer the Commission's inquiry whether "PEG channels are being used as effectively as possible for the provision of useful news and information to communities" in the affirmative.

Quote...Unquote, Inc. appreciates that programming could always be more effective if more of the population involves itself in the programming decisions. More efforts could be made in this regard if programmers were assured funding or requiring consumers to purchase/lease equipment to see our channels, or aggregating and streaming our channels with limited functionality.

In our case the PEG channels have also had to deal with the problem of the local municipality being unwilling or unable to determine the proper amounts to be paid to the municipalities in franchise fees and PEG fees. There is no reliable account of how many subscribers our local cable company, Comcast, has in the Albuquerque area. Compounding this is the habit of the local municipality (and many other municipalities across the country) of placing all franchise fees in the City's general fund with very little of that money ending up supporting access channels. This has lead to the extreme underfunding of the Public, Educational and Government access channels in Albuquerque. Recently the City completely terminated funding for the educational access channel and it has gone dark. Quote...Unquote, Inc. takes the position that the Commission should consider the consumer aspect of this situation. These aforementioned fees are collected from cable subscribers by the cable companies and passed through to the municipalities. The cable subscribers are ostensibly paying for the support of cable services for themselves to enjoy as well as maintenance of

rights of way. How much money actually ends up being spent for these consumer services? How much is diverted? This is a consumer issue that should be regulated and can only be effectively regulated at the federal level. Quote...Unquote, Inc. urges the Commission to consider remedies for these problems.

B. PEG channels have evolved over time to retain their effectiveness and must continue to evolve to ensure effectiveness in the digital future

In response to the Commission's inquiry as to "How has the role of PEG channels changed over time, and how could their effectiveness be improved?" Quote...Unquote, Inc. refers the Commission again to the aforementioned involvement of our media center in the direct education of youth and our contributions to the economic development of our community. The services we provide to the non-profit community have been extensive for almost three decades. These range from serving battered women's shelters to environmental organizations and even local hobbyist clubs. We serve everyone equally. Our media center is known as an oasis of tolerance and opportunity for everyone in the community. The conflicts so prevalent in ours, and other communities stop at the door of our center. This center builds community. This is something that cannot be monetized. It is truly priceless. PEG channels and PEG operators have evolved to adapt to meet the needs and interests of the local community and Quote...Unquote is an example of that service. Our media center also streams 24/7 to reach the large portion of our community and rural areas that don't have access to cable TV. The usage reports from our local ISP document between 80,000 and 165,000 hits to our web site each month. These include people who visit from all over the U.S. and many other countries as well. The truth needs to be told that there is a tremendous amount of interest locally and

nationally in the unique type of programming that people can see on access TV. The following links show our channel schedule for two channels: <http://www.quote-unquote.org/index-ch27.html> and <http://www.quote-unquote.org/index-etv.html>.

Over the years both our programming and operations have changed dramatically.

Quote...Unquote provides extensive training in media production and media literacy to the entire community (not just limited to access TV producers). We are a resource in providing internship opportunities to many youth in our community. At any one time we average between 15 and 25 interns. Quote...Unquote also has developed video on demand services accessible through our web site.

The bottom line on all these changes is that our PEG programming and PEG operations have evolved to ensure that they remain relevant in the life of our community and the services have indeed expanded beyond cable TV. However, the framework that was created in the 1980's is based on the franchise agreement model with cable TV for its funding. If this framework is eliminated or damaged it will affect communications services beyond cable TV. The PEG centers are the fountain head for the creation of content on a massive scale and the loss of the capacity for content development has ripple effects.

C. Operators have employed statewide franchising regimes to negatively impact the number, composition and funding of PEG channels.

Laws imposing statewide franchising regimes have been devastating to PEG channels and PEG Centers. Some state franchising laws limit PEG channels to the maintenance of current channels regardless of future community needs or technological advancements. The worst

state franchising laws sunset or outright eliminate PEG channels and PEG funding support. In New Mexico we have so far been spared these destructive practices. However, we are aware that the cable and telecom industries in the state have their sites set on copying these destructive practices from other states when the current franchise agreements expire. In those states that preserve the number of PEG channels, the funding for PEG operations has typically been cut dramatically. And where PEG funding is available, the options that local franchising provided to use funds for operations by mutual consent no longer exists in light of the definitions outlined in the Commission's Section 621 order.

Why should the benefits of the free flow of information be limited or taken away from the public? What possible justification can there be? The rights of individuals and families should take precedent. The FCC, we believe, needs to be conscious of this aspect while remembering the destructive implications of the recent Citizens United case ruling from the Supreme Court. Should corporations have more rights than the individual citizen? What is truly in the best interest of the American people?

Quote...Unquote as a member of the Alliance for Community Media is alarmed by what we are seeing in other states. PEG channels on a national scale can serve as a means of saving and reinvigorating journalism and community information in this country. The access channels nationwide comprise a network and great resources for the promotion and support of local news. As we stated earlier, content creation is at the heart of the matter and it is being affected. We hope the FCC has the vision to recognize the expanded potential of the thousands of local resources we are describing here. Not only should the current role of access TV be

preserved, but it should be dramatically expanded as part of a remedy for the overlying crisis of news reporting and information in our society.

D. Operators have frustrated the intent of state franchising regimes in that they have not provided robust consumer choice, but have dramatically undermined PEG channels and PEG operations

The rationale for state franchising was ostensibly to promote the greater competition and lower consumer prices. But this experiment has largely failed, and PEG programming and PEG operations have suffered greatly as a result of this failed experiment. This should not be a surprise. Because state franchises are standardized and not negotiated to meet community needs, the states have imposed a one size fit all program. The result is that many communities have no real opportunity to have their PEG needs met. Additionally, the strength of the Cable Act was that it was flexible in permitting communities to demand more as their needs increased. The inflexible approach taken by state franchising laws is antithetical to the notion in the Cable Act (and implicit in this proceeding on the future of media) that community needs change over time.

E. The digital age will offers opportunities to supplement PEG channels; however these digital advances cannot supplant the need for PEG channels.

Some argue that You Tube, the establishment of personal and public web pages and social websites, render traditional mass media unnecessary. These arguments are most often made by industry and their champions as a justification for escaping public obligations, and are a misrepresentation of the media landscape. It is interesting to note that while making these arguments, commercial interests are not abandoning the television platforms for the Internet. Commercial providers recognize that in an information economy, the ability to distribute by multiple means is the only way to serve the interests of your audience. Why should community providers be denied their ability to continue to reach their audience in a format of the viewer's choosing?

New delivery platforms do not render traditional platforms obsolete. They allow consumers to choose the means by which they receive information – and to allow each individual consumer to make different choices at different times. The model is not displacement but “information everywhere.” Should a content provider or “speaker” be limited to one platform – be it the Internet, or mobile applications, or traditional broadcast channels – a significant portion of the audience will not be reached. Today, the most effective and perhaps only means to the poor and non-English speaking audiences, communities that rely heavily on public, educational and government programming is by means of the television. The same is true of public participation in PEG programming. If the only way to speak is via the Internet, groups who wish to reach a mass audience on an issue of local public importance may not be able to

communicate effectively. But the Commission is already well aware of this challenge following its hearings on localism.

Finally, community programming relies not only on programming outlets, but on programming centers. Even in the digital age there continues to be a strong need for public places where consumers can both receive and create appropriate local information that can be easily found. PEG operations ensure that there is a well-funded “public space” that consumers can easily reach across all media.

Therefore, the Commission must not accept the claims that alternative platforms reduce the need for PEG channels and PEG support. They are based on a misrepresentation of the nature of media. For while advances introduced by the digital age can offer additional platforms for sharing PEG programming, these additional platforms will never replace PEG channels so long as the television is the primary source of video communications in this nation.

IV. Conclusion

Public Educational and Governmental channels must not only be part of any discussion on the future of media and information needs of communities in a digital age, PEG must be a part of the digital age. The Commission must understand that that unless it actively encourages development of public access as it did in the 1970’s, there is no guarantee that public access will remain in our future. And that would be a grave loss for communities around the country.

Date: May 5th, 2010

Name: Steve Ranieri

Title: Executive Director

Street Address: 415 Tijeras

N.W. Albuquerque, New Mexico 87102

Phone Number: 505-243-

0027.